

*Electronically Filed on
December 28, 2006*

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Attorneys for JV Direct Lenders:

Charles B. Anderson Trust; Rita P. Anderson
Trust; Baltes Company; Judith L Fountain
Irrevocable Trust Dated 8/26/97; Kehl Family
Members; Mojave Canyon, Inc. and
Fertitta Enterprises, Inc. with respect to non-plan
issues only.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC, Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**THIRD AMENDED STATEMENT
OF JONES VARGAS PURSUANT
TO BANKRUPTCY RULE 2019
(AFFECTS ALL DEBTORS)**

Hearing Date: n/a
Hearing Time: n/a

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1 I, Janet L. Chubb, Esq., declare, under penalty of perjury, and state, as follows:

2 1. I am an attorney licensed to practice law in the state of Nevada and am a
3 shareholder of the law firm of Jones Vargas. I have personal knowledge of the facts set forth
4 herein and if called as a witness could and would competently testify thereto.

5 2. Louis M. Bubala, Esq., an associate of Jones Vargas, and I are the attorneys
6 primarily responsible for representing the below listed Direct Lenders in connection the above-
7 captioned cases, as first deed of trust holders only, with regard to certain loans which were
8 originated and serviced by the Debtors.

9 3. The representation of each client is based on direct loans each of them made to the
10 borrowers in one or more of various real property development projects listed below, which are
11 currently being serviced by USA Commercial Mortgage Company and which are secured by deeds
12 of trust. Specifically, our representation of Fertitta Enterprises is only in non-plan issues.

13 4. The total of the loans made by the below listed individuals and entities is
14 approximately \$46,408,500.00. Some of these loans have been repaid to the Debtors according to
15 their October 31, 2006, Loan Summary, but not to the Direct Lenders.

16 5. The these loans were made prior to the filing of petitions by the Debtors.

17 6. A supplement to this Statement will be filed upon any further change in the
18 retention by these Direct Lenders.

19 DATED this 28th day of December, 2006.

20 JONES VARGAS

21 By: //s// Janet L. Chubb
22 JANET L. CHUBB, ESQ.
23 LOUIS M. BUBALA, ESQ.

24 Attorneys for JV Direct Lenders
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26
27
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NAME(S) OF CLIENTS	BORROWER	AMOUNT OF LOAN	STATUS OF LOAN
Charles B. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC	\$100,000	Repaid
	60 th Street Venture	\$125,000	Non-Performing
	6425 Gess Ltd.	\$300,000	Maturity Default
	Amesbury/Hatters	\$100,000	Non-Performing
	Bay Pompano Beach	\$200,000	Maturity Default
	Beastar, LLC	\$100,000	Repaid
	Copper Sage	\$100,000	Non-Performing
	Del Valle Isleton	\$303,500	Repaid
	Eagle Meadows	\$200,000	Non-Performing
	Fiesta/Beaumont	\$100,000	Repaid
	Glendale Tower	\$100,000	Repaid
	Golden State	\$100,000	Repaid
	Gramercy Court	\$200,000	Maturity Default
	HFAH-Clear Lake	\$100,000	Non-Performing
	HFAH- North Yonkers/One Point St	\$100,000	Repaid
	Huntsville	\$200,000	Maturity Default
	Margarita Annex	\$100,000	Interest Default
	Marlton Square ¹	\$100,000	Non-Performing
	Oak Shores II	\$160,000	Maturity Default
	Opaque/Mt. Edge	\$225,000	Repaid
	Placer Vineyards	\$200,000	Maturity Default
	Placer Vineyards 2 nd	\$100,000	Maturity Default
	Riviera (HFA)	\$150,000	Repaid
	Roam Development	\$100,000	Performing
	Standard Property	\$100,000	Interest Default
	Tapia Ranch/Castaic Partners	\$100,000	Non-Performing
	Wasco Investments	\$120,000	Non-Performing
	\$3,883,500.00		
Rita P. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC	\$100,000	Repaid
	60 th Street Venture	\$100,000	Non-Performing
	6425 Gess	\$100,000	Maturity Default
	Eagle Meadows	\$150,000	Non-Performing
	Fiesta/Beaumont	\$100,000	Repaid
	HFAH-Clear Lake	\$100,000	Non-Performing
	HFAH-North Yonkers/One Point St	\$100,000	Repaid
	Marlton Square ¹	\$100,000	Non-Performing
	Placer Vineyards	\$100,000	Maturity Default
	Roam Development	\$100,000	Performing
	Tapia Ranch/Castaic Partners	\$100,000	Non-Performing
	Wasco Investments	\$120,000	Non-Performing
	\$1,270,000.00		

1 Marlton Square & MS Acquisition are the same thing. Marlton Square 2nd is also affiliated with MS Acquisition

1	Baltes Company	3685 San Fernando	\$150,000	Maturity Default
2	211 Copper Ridge Court	Binford Medical	\$100,000	Maturity Default
3	Boulder City, NV 89005	Del Valle - Livingston	\$100,000	Maturity Default
4		J. Jireh's Corporation	\$200,000	Repaid
5		Marlton Square 2 nd 1	\$100,000	Non-Performing
6		\$650,000.00		
7	Fertitta Enterprises, Inc. ²	Brookmere, LLC	\$1,000,000	Maturity Default
8	William J. Bullard, CFO	Colt Gateway	\$4,000,000	Non-Performing
9	2960 W.Sahara Ave. # 200	Marlton Square ¹	\$3,000,000	Non-Performing
10	Las Vegas, NV 89102	Tapia Ranch/ Castaic Partners	\$5,000,000	Non-Performing
11		\$13,000,000.00		
12	Judith Fountain Irrevocable			
13	Trust Dated 8/26/97			
14	Judy Fountain, Trustee	Fiesta Oak Valley/Oak Mesa	\$250,000	Interest Default
15	9808 Bridgeview Drive			
16	Reno, NV 89521-4051			
17		<u>Robert & Ruth Kehl:</u>		
18		3685 San Fernando Road	\$500,000	Maturity Default
19		Anchor B	\$250,000	Maturity Default
20		Ashby	\$1,000,000	Repaid
21		BarUSA	\$850,000	Performing
22		Brookmere	\$1,000,000	Maturity Default
23		Bundy Canyon	\$1,500,000	Non-Performing
24		Copper Sage	\$1,000,000	Repaid
25		Del Valle - Livingston	\$600,000	Maturity Default
26		Eagle Meadows/Foxhill 185	\$1,000,000	Non-Performing
27		Fiesta Oak Valley/Oak Mesa	\$500,000	Interest Default
28		Fiesta USA/Stoneridge	\$500,000	Interest Default
29	Kehl Family	Foxhill 216, etc.	\$400,000	Non-Performing
30	c/o Mr. Ken Bonnet	Freeway 101	\$300,000	Repaid
31	3184 Highway 22	Gateway Stone	\$500,000	Non-Performing
32	P. O. Box 720	Glendale Tower Ptnrs	\$400,000	Repaid
33	Riverside, IA 52327	Gramercy Court	\$165,000	Maturity Default
34		HFAH - Clear Lake	\$1,000,000	Non-Performing
35		Hunstville	\$500,000	Maturity Default
36		La Hacienda	\$250,000	Performing
37		Mountain Home Business	\$520,000	Interest Default
38		Park-Pegasus MH Venture		
39		Ocean Atlantic	\$400,000	Non-Performing
40		Palm Harbor One	\$500,000	Performing
41		Placer Vineyard	\$2,000,000	Maturity Default
42		Shamrock Tower	\$500,000	Interest Default
43		Tapia Ranch/Castaic	\$500,000	Non-Performing
44		Ten-Ninety	\$600,000	Interest Default
45		\$17,235,000.00		

² Our representation of Fertitta Enterprises is only in non-plan issues.

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1				
2	Kehl Family	<u>Kevin Kehl</u>	\$200,000	Performing
3	c/o Mr. Ken Bonnet	BarUSA	\$150,000	Maturity Default
4	3184 Highway 22	Bay Pompano Beach	\$150,000	Performing
5	P. O. Box 720	I-40 Gateway West	\$150,000	Maturity Default
	Riverside, IA 52327	Placer Vineyards	\$150,000	Performing
		Roam Development	\$200,000	Non-Performing
		Tapia Ranch/Castaic		
		\$1,000,000.00		
6	Kehl Family			
7	c/o Mr. Ken Bonnet	<u>Kevin Kehl For Susan L. Kehl</u>	\$10,000	Maturity Default
8	3184 Highway 22	Bay Pompano Beach		
9	P. O. Box 720			
10	Riverside, IA 52327			
11	Kehl Family	<u>Kevin Kehl for Andrew R. Kehl</u>	\$10,000	Maturity Default
12	c/o Mr. Ken Bonnet	Bay Pompano Beach		
13	3184 Highway 22			
14	P. O. Box 720			
15	Riverside, IA 52327			
16	Kehl Family	<u>Daniel J. Kehl</u>	\$300,000	Repaid
17	c/o Mr. Ken Bonnet	Ashby	\$500,000	Maturity Default
18	3184 Highway 22	Huntsville	\$200,000	Non-Performing
19	P. O. Box 720	Tapia Ranch/Castaic	\$200,000	Interest Default
20	Riverside, IA 52327	Ten-Ninety		
21		\$1,200,000.00		
22	Kehl Family	<u>Robert A. Kehl and</u>		
23	c/o Mr. Ken Bonnet	<u>Robert A. and Tina M. Kehll</u>		
24	3184 Highway 22	BarUSA	\$300,000	Performing
25	P. O. Box 720	Bay Pompano Beach	\$300,000	Maturity Default
26	Riverside, IA 52327	Fox Hills	\$500,000	Non-Performing
		Ocean Atlantic	\$500,000	Non-Performing
		Ten-Ninety	\$400,000	Interest Default
		\$2,000,000.00		
27	Kehl Family	<u>Krystina L. Kehl</u>	\$500,000	Maturity Default
28	c/o Mr. Ken Bonnet	Placer Vineyards		
	3184 Highway 22			
	P. O. Box 720			
	Riverside, IA 52327			
	Kehl Family	<u>Kevin McKee</u>		
	c/o Mr. Ken Bonnet	Fox Hills 216	\$100,000	Non-Performing
	3184 Highway 22	Gateway Stone	\$100,000	Non-Performing
	P. O. Box 720	Eagle Meadows/Foxhill 185	\$300,000	Non-Performing
	Riverside, IA 52327	\$500,000.00		

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1	Kehl Family	<u>Kehl Development Corp.</u>		
2	c/o Mr. Ken Bonnet	Eagle Meadows/Foxhill 185	\$400,000	Non-Performing
3	3184 Highway 22	Placer Vineyards	\$500,000	Maturity Default
4	P. O. Box 720	Opaque/Mt. Edge	\$1,000,000	Repaid
	Riverside, IA 52327	\$1,900,000.00		
5	Kehl Family	<u>Patrick J. Anglin</u>		
6	c/o Mr. Ken Bonnet	Bay Pompano Beach	\$50,000	Maturity Default
7	3184 Highway 22	Palm Harbor One	\$100,000	Performing
	P. O. Box 720	Tapia Ranch/Castaic	\$50,000	Non-Performing
	Riverside, IA 52327	\$200,000.00		
8		<u>Christina M. Kehl</u>		
9	Kehl Family	BarUSA	\$200,000	Performing
10	c/o Mr. Ken Bonnet	Bay Pompano Beach	\$150,000	Maturity Default
11	3184 Highway 22	Fiesta/Stoneridge	\$150,000	Interest Default
12	P. O. Box 720	Freeway 101	\$125,000	Repaid
13	Riverside, IA 52327	I-40 Gateway West	\$100,000	Performing
		Palm Harbor One	\$50,000	Performing
		Placer Vineyards	\$200,000	Maturity Default
		Tapia Ranch/Castaic	\$50,000	Non-Performing
		\$1,025,000.00		
14	Kehl Family	<u>Judy A. Bonnet</u>		
15	c/o Mr. Ken Bonnet	BarUSA	\$50,000	Performing
16	3184 Highway 22	Fiesta Oak Valley/Oak Mesa	\$100,000	Interest Default
	P. O. Box 720	\$150,000.00		
17	Riverside, IA 52327			
18	Kehl Family	<u>Cynthia Winter</u>		
19	c/o Mr. Ken Bonnet	BarUSA	\$200,000	Performing
20	3184 Highway 22	Freeway 101	\$200,000	Repaid
21	P. O. Box 720	I-40 Gateway West	\$200,000	Performing
22	Riverside, IA 52327	Placer Vineyards	\$100,000	Maturity Default
		Ten-Ninety	\$200,000	Interest Default
		\$900,000.00		
23	Kehl Family	<u>Warren Hoffman Family</u>		
24	c/o Mr. Ken Bonnet	<u>Investments</u>		
25	3184 Highway 22	Tapia Ranch/Castaic	\$50,000	Non-Performing
26	P. O. Box 720			
27	Riverside, IA 52327			
28				
25	Mojave Canyon Inc.	HFAH Clear Lake	\$150,000	Non-Performing
26	Attn: J.B. Partain, President	Midvale Marketplace, LLC	\$150,000	Repaid
27	1400 Colorado Street #C	Roam Development Group, LP	\$100,000	Performing
28	Boulder City, NV 89005	Standard Property	\$125,000	Interest Default
		Development		
		Gramercy Court	\$150,000	Maturity Default
		\$675,000.00		

CERTIFICATE OF SERVICE

1. We filed and served the following document(s) on December 28, 2006:

**THIRD AMENDED STATEMENT OF JONES VARGAS
PURSUANT TO BANKRUPTCY RULE 2019**

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):
I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

■ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

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9 e. By fax transmission (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

9 f. By messenger:

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 28th day of December, 2006.

Cheryl Byrne
Name

//s// Cheryl Byrne
Signature